

Bel Pre Recreational Association (BPRA) Board of Trustees
Minutes of Meeting of April 5, 2022

1) Call to Order and review of teleconference guidelines

President Purdy called the meeting to order at 7:31 p.m. The meeting was held virtually via Zoom, with the teleconference participation guidelines in place.

2) Roll Call

Secretary Swan called the roll. Board members present were President Karen Purdy, Vice President Mark Foraker, Treasurer Dave Pullen, Secretary Chris Swan, Ted Bechtol, Steve Jennison, Rodney Oo, Claire Pak, and Maria (Cookie) Stagnitto. BPRA members John Bogasky (Treasurer of the Strathmore Bel Pre Civic Association), Elliot Chabot (BPRA Governing Documents Committee Chair), Beth Lewis (Co-owner of Cosmic Kids), Joe Moeller (BPRA Pool Property Helpers Coordinator), Deedee O'Grady (Co-owner of Cosmic Kids), and Rita Vaught (BPRA interim Bookkeeper) were also present. There was a quorum. Secretary Swan took the minutes.

3) Approval of Agenda

Purdy presented the proposed agenda for the meeting. Pak moved that the agenda for the meeting be approved. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Oo, Pak, Pullen, Purdy, Stagnitto, and Swan in favor, and none opposed.

4) Statements by Association Members

BPRA members were invited to speak on any items. No statements from association members were made.

5) Approval of Minutes

Purdy presented the minutes of the March 1, 2022, Board meeting. Pullen moved that the minutes be adopted as submitted. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Oo, Pak, Pullen, Purdy, Stagnitto, and Swan in favor, and none opposed.

6) Facilities use requests

a. Cosmic Kids

Lewis requested that Cosmic Kids be permitted to use the pool on Tuesdays and Thursdays, from 12:45 to 3:00 pm, from June 28 to August 11. Lewis reported that Cosmic Kids' pool use has been in hiatus for the last 2 years because of the COVID-19 pandemic. The group will continue to require mask wearing, temperature checks, use of hand sanitizer and washing, and eating outside. All Cosmic Kids staff takes COVID protocol training. Both co-owners of Cosmic Kids grew up in Strathmore Bel Pre and are committed to rigorously enforcing the rules. If any student in Cosmic Kids has COVID, they are separated from the camp for 10 days. Cosmic Kids maintains a 1:10 staff-to-camper ratio (the State only requires a 1:15 ratio). Cosmic Kids has never had more than 25 campers at the pool at one time, and make it a practice to leave the pool if it seems over-crowded. A review of the rules is conducted with the campers before each water session starts.

Swan moved that Cosmic Kids be permitted to use the pool facilities (subject to the rules set out in the BPRA Recreational Facilities Policy), on Tuesdays and Thursdays, from 12:45 to 3:00 pm, from June 28 to August 11, subject to the caveat that permission to use the facilities may be rescinded because of

COVID-19 or misbehavior. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Oo, Pak, Pullen, Purdy, Stagnitto, and Swan in favor, and none opposed.

b. BPS PTA – car wash

Purdy reported that the Bel Pre Strathmore Parent & Teacher Association is exploring the possibility of hosting a car wash in the pool parking lot in either May or June, on a Saturday late afternoon. The Board discussed the possibility. Questions and issues raised in the Board discussion included:

- How much water is likely to be used?
- Can publicity be limited to just the Strathmore at Bel Pre subdivision – instead of sending publicity to schools’ entire population?
- Would the PTA provide the insurance coverage?
- Why is the proposal to use the pool parking lot, rather than the parking lot at one of the 2 schools?
- What would be the age of the car washers? What kind of supervision and traffic control would be provided?

Purdy announced that she would take these questions back to the PTA.

c. Water aerobics

Stagnitto reported that she would like to conduct water aerobics classes on the following Monday evenings: June 13, 20, and 27; July 11, 18, and 26; and August 22 and 29. The sessions would be from 6:30 to 7:30 pm, and would use the shallow end of the main pool where the lap lanes are. Jennison moved that the proposal be approved, subject to COVID-19 not going crazy. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Oo, Pak, Pullen, Purdy, and Swan in favor, and none opposed. Stagnitto abstained.

d. Over 60 Club pavilion use

Stagnitto reported that the Over 60 Club (formerly the 50 Plus Club) would like to use the pavilion from 4:3 to 7:00 pm on the first Thursday of each month. The Club would only use half the pavilion. The Club is conducting gardening and quilt projects. Instead of dinner, the Club will just have snacks at the pavilion. Stagnitto moved that the proposal be approved. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Oo, Pak, Pullen, Purdy, Stagnitto, and Swan in favor, and none opposed.

7) SBP Civic Association Support – *Bugle* and Summer Entertainment Series

Bogasky reported that the Strathmore Bel Pre Civic Association is requesting \$800 for the BPRA’s annual in-lieu-of-purchasing-advertising, and \$500 for the Summer Entertainment Series. Bogasky reported that this year has been a banner year for selling advertising (because of election-related ads from candidates for public office) and therefore the Civic Association was asking for only \$800 of the \$1,000 the BPRA had budgeted for the Bugle in-lieu-of payment. Purdy moved that the proposal be approved with the stipulation that no assessment funds would be used for the Summer Entertainment Series expense. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Oo, Pak, Pullen, Purdy, Stagnitto, and Swan in favor, and none opposed.

8) Guest fee policy during SBPCA events (movies, summer entertainment series)

Bogasky asked the Board to clarify that § 216 of the Recreational Facilities Policy allows BPRA members to bring guests to the Summer Entertainment Series events for free. The Board discussed the issue. Pullen moved that guest fees be waived for anyone while attending a Summer Entertainment Series event. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Oo, Pak, Pullen, Purdy, Stagnitto, and Swan in favor, and none opposed. Purdy asked that the Governing Documents Committee review making this a permanent part of the text of the Recreational Facilities Policy.

9) Physical Facilities

Purdy reported that, based on the Board's April 2 property walkthrough, the pool looks good overall. Moeller is getting estimates for painting the underside of the pavilion. Pullen is following up with Mid-Atlantic Asphalt on cracks in the brand-new tennis courts. Moeller is pursuing warranty-covered repairs in the bathhouse roof over the women's room.

Jenison moved that up to \$1,000 be approved for coping stone and caulking work. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Oo, Pak, Pullen, Purdy, Stagnitto, and Swan in favor, and none opposed. Moeller will follow up with Clark Baugher of Georgetown Aquatics.

10) Georgetown Aquatics contract extension/renegotiation

Purdy referred the Board to item 1 of the April 2022 BPRA Committee Reports and Updates. Georgetown Aquatics has provided estimates for labor and chemical costs, but insurance costs are not yet available. The Board will revisit the Georgetown Aquatics contract renegotiation request in May.

11) Proposed revisions to the BPRA Plan of Organization's COVID era election rules

Chabot presented the recommendations of the Governing Documents Committee (see attachment 1 of these minutes). The Board discussed the recommendations. Swan moved to adopt the Committee's recommendations. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Oo, Pak, Pullen, Purdy, Stagnitto, and Swan in favor, and none opposed.

12) Proposed revisions to the BPRA Plan of Organization to authorize virtual meetings by the Board and committees

Chabot presented the recommendation of the Governing Documents Committee (see attachment 2 of these minutes). Chabot noted the notice requirements contained in the newly enacted 11B-113.6 of the Maryland Homeowners Association Act, and that the Committee's proposal is intended to apply to meetings of the Board and the committees, but not to the annual General Membership meeting. The Board discussed the recommendation. Swan moved to adopt the Committee's recommendation. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Oo, Pak, Pullen, Purdy, Stagnitto, and Swan in favor, and none opposed.

13) Audits/Financial Review

Audit Coordinator Foraker reported that he and Oo are continuing to work on identifying a new firm to conduct audits or financial reviews for FY17 to the present. They have more news at the May Board meeting.

14) Budget & Finance

a. Monthly financial statements

Treasurer Pullen reported that the February and March financial statements have been distributed. Pullen reported that he felt very confident about the draft vendor expenses report, and that the Association was in fine condition to meet all of its expected business needs. Approximately 90% of the annual assessments were received by March 31 – which matches the BPRA’s usual receipt rate. Those accounts not paid or paid after March 31 (without a postmark before April 1) will be charged a late fee, interest, and collection costs. ESoftPlanner has been adjusted to reflect the additional fees for credit card payments made after March 31. As of April 1, BPRA had \$80,000 in checking at Truist (the successor to SunTrust) and approximately \$300,000 in its Truist money market account.

b. Approval to pay SBPCA and SBP Dolphins funds collected during assessment collection

Pullen reported that the money collected with the annual assessment included money designated by the payer for the Strathmore Bel Pre Civic Association (\$4,140) and for the Dolphins Swim Team (\$4,005). Pullen moved that the Board authorize those disbursements to the Civic Association and the Swim Team. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Oo, Pak, Pullen, Purdy, Stagnitto, and Swan in favor, and none opposed.

c. Other items

Pullen reported that he has reached out to another potential bookkeeper. Rita Vaught has agreed to continue as interim Bookkeeper, pending the appointment of a new Bookkeeper.

15) Committee Reports —

a. Questions about reports

None.

b. Entertainment and Recreation

Purdy reported that the Strathmore Bel Pre Civic Association has requested that the pavilion be reserved as a rain location, if needed, for the Summer Entertainment Series movies on June 4, July 2, August 6, and September 3. Entertainment and Recreation Committee Chair Swan moved that the Civic Association’s request be approved. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Oo, Pak, Pullen, Purdy, Stagnitto, and Swan in favor, and none opposed.

Spring Thing Coordinator Stagnitto reported that many candidates running for public office will be attending this year’s Spring Thing. Jenison suggested that next year’s Spring Thing include a car show.

c. Grounds and Landscaping

Grounds and Landscaping Coordinator Bechtol reviewed the grounds and landscaping plans for this year. Bechtol moved that \$8,500 be approved for grass mowing (\$195 per visit by Kollins Landscaping). The motion was seconded and approved, with Bechtol, Foraker, Jennison, Oo, Pak, Pullen, Purdy, Stagnitto, and Swan in favor, and none opposed.

Bechtol reported that several homeowners that are neighbors of the pool had complained to him about brush and vines on the pool property. Bechtol moved that \$2,500 be approved for weeding, bush hogging, and vine removal near the pool fence by Kollins Landscaping. The motion was seconded and

approved, with Bechtol, Foraker, Jennison, Oo, Pak, Pullen, Purdy, Stagnitto, and Swan in favor, and none opposed.

Bechtol recommended that playground mats be put under the swings and sliding boards and around the pirate ship. There would be 5 mats would be made of recycled rubber and each would be 2-inches thick. Pullen moved that up to \$900 be approved for the proposal. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Oo, Pak, Pullen, Purdy, Stagnitto, and Swan in favor, and none opposed.

Bechtol recommend that a white oak be planted as the tree in honor of Brenda Henry. The estimated cost would be \$500 plus the cost of the plaque. Pullen moved that up to \$1,000 be approved for the tree and plaque. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Oo, Pak, Pullen, Purdy, Stagnitto, and Swan in favor, and none opposed.

Pool and Recreational Facilities Committee Chair Stagnitto reported that – through the newly formed Over 60 Club – she is getting volunteers to help with gardening on the pool grounds. Bechtol is developing a plan, starting with an early spring clean-up.

d. Tennis/Pickleball

Tennis and Pickleball Courts Committee Chair Dave Pullen reported that benches and 2 trash cans have been installed inside the court fence. He noted that the cost had exceeded the budget by \$638 and therefore recommended that the Board postpone procuring and installing the message board that had previously be approved for outside the tennis/pickleball court fence. Swan moved that an additional \$638 be approved. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Oo, Pak, Pullen, Purdy, Stagnitto, and Swan in favor, and none opposed.

Pullen reported that cracks have appeared in the surface of the courts, which are less than a year old. No firm date has been set for repairs. This problem was not expected on courts this new, but it should be covered under the warranty. The courts remain playable.

16) Other Business

Swan requested an update on the status of the reserve study. Purdy reported that she was impressed with Stacey O’Brian, the reserve specialist from PM+ that is developing the study for the BPRA. O’Brian will be sending a list of questions in the next 2 weeks. The study should be ready within 60 to 90 days.

17) Adjournment

There being no further business, the meeting was adjourned at 9:05 p.m. The next Board meeting is scheduled for Tuesday, May 3, 2022, at 7:30 p.m., by teleconference.

Respectfully submitted,

-- Chris Swan, Secretary

Attachment 1
Proposed Amendment to § 405 (COVID Era Elections)
of the BPRA Plan of Organization

Background

The COVID Era Election Rules (§ 405 of the BPRA Plan of Organization) were originally prepared with the assumption that 3 seats would be elected each year. The rules did not take into consideration that when a vacancy occurs on the Board, that the Board temporarily fills the vacancy until the next Annual General Membership Meeting, and that if there is any remaining time on that vacancy that the General Membership elects who will fill the remainder of the vacancy. For instance, if a Board member resigns during their first year, the Board can fill the vacancy for the months remaining until the next Annual General Membership Meeting and then the General Membership would elect the person to serve for the remaining 2 years of the original term.

Proposal

1. In subsection (a), replace:

This section of the BPRA Plan of Organization will govern the election of Trustees at the annual meeting during **the 2020 COVID-19** pandemic.

with:

This section of the BPRA Plan of Organization will govern the election of Trustees at the annual meeting during **the COVID-19** pandemic.

2. In subsection (f)(i), replace:

If there is not a quorum at either the Annual Meeting or at the first Wednesday of December general membership meeting, then none of the ballots will be valid, the **three seats on the Board** will be declared to be vacant, and the Board of Trustees will fill the vacancies according to the process set out in Article IX, § 3 of the By-Laws.

with:

If there is not a quorum at either the Annual Meeting or at the first Wednesday of December general membership meeting, then none of the ballots will be valid, the **seats on the Board that are the subject of the ballot** will be declared to be vacant, and the Board of Trustees will fill the vacancies according to the process set out in Article IX, § 3 of the By-Laws.

3. In subsection (h)(x)(A), replace:

If the ballot in the envelope contains votes for more **than three candidates**, then:

with:

If the ballot in the envelope contains votes for more candidates than trustee positions being elected, then:

4. In subsection (h)(xi), replace:

- the number of votes cast so far for the candidate who is currently in third place;
- the number of votes cast so far for the candidate who is in fourth place;
- whether the number of unopened provisional ballots is less than the difference between the number of votes cast so far for the third and fourth place candidates.

If the difference between the number of votes cast so far for the third and fourth place candidates is greater than the number of unopened provisional ballots, then the unopened provisional ballot envelopes will not be counted and the Treasurer shall:

- announce that even if all the remaining unopened provisional ballots were for the 4th place candidate and none of them were for the 3rd place candidate, they would not change who was elected;
- announce that the candidates receiving the three highest vote totals are elected;

with:

- the number of votes cast so far for the candidate who is currently in the place equal to the number of seats on the Board of Trustees being filled (for instance, if 3 seats are being filled, then the candidate who received the third highest vote total);
- the number of votes cast so far for the candidate who is in the place equal to one more than the number of positions on the Board of Trustees being filled (for instance, if 3 seats are being filled, then the candidate who received the fourth highest vote total);
- whether the number of unopened provisional ballots is less than the difference between the number of votes cast so far for those two candidates.

If the difference between the number of votes cast so far for those two candidates is greater than the number of unopened provisional ballots, then the unopened provisional ballot envelopes will not be counted and the Treasurer shall:

- announce that even if all the remaining unopened provisional ballots were for the candidate with the most votes that was not successful and none of them

were for the candidate with the fewest votes that was successful, they would not change who was elected;

- announce the candidates who are elected;

5. In (h)(xii), replace:

If the difference between the number of votes cast so far for the third and fourth place candidates is less than the number of unopened provisional ballots, the Elections Committee will review each provisional ballot envelope without opening the envelope.

with:

If the difference between the number of votes cast so far for the successful candidate who received the fewest votes and the unsuccessful candidate who received the most votes is less than the number of unopened provisional ballots, the Elections Committee will review each provisional ballot envelope without opening the envelope. (For instance, if 3 seats are being filled, then the successful candidate who received the fewest vote would be the third place candidate, and the unsuccessful candidate who received the most votes would be the fourth place candidate.)

Attachment 2
Proposed Amendment to the BPRA Plan of Organization
concerning virtual meetings

Background

Since the April 2020 Board meeting, the BPRA Board of Trustees has been meeting by Zoom, based on special authority granted on March 6 and April 2, 2020, by the Montgomery County Commission on Common Ownership Communities. The CCOC granted permission to all Montgomery County homeowners' associations, condominium associations, and housing cooperatives to hold board, committee, and general membership meetings by "telephone, live streaming, or some other electronic means" during the COVID-19 pandemic.

In 2021, the State Legislature enacted § 11B-113.6 of the Maryland Homeowners Association Act, which permanently authorizes homeowners' associations to hold meetings by "telephone conference, video conference, or similar electronic means."

Proposal

Add a new section to the BPRA Plan of Organization as follows:

§ 120. Meetings – Virtual.

As authorized by § 11B-113.6 of the Maryland Homeowners Association Act,¹ the Board of Trustees and the committees of the Association may hold meetings by telephone conference, video conference, or similar electronic means.

¹ **Authorization; equipment requirements; notice of meeting**

(a)(1) Notwithstanding language contained in the governing documents of the homeowners association, the governing body may authorize meetings of the homeowners association, the governing body, or a committee of the homeowners association to be conducted or attended by telephone conference, video conference, or similar electronic means.

(2) If a meeting is conducted by telephone conference, video conference, or similar electronic means, the equipment or system used must permit any lot owner, board member, or committee member in attendance to hear and be heard by all others participating in the meeting.

(3) A link or instructions on how to access the meeting by telephone conference, video conference, or similar electronic means shall be included in the notice of the meeting.

(4) No specific authorization from lot owners shall be required to hold a meeting electronically.

Present for quorum and voting purposes

(b) Any lot owner, board member, or committee member attending a meeting by telephone conference, video conference, or similar electronic means shall be deemed present for quorum and voting purposes.

Voting; ballots

(c)(1)(i) Any matter requiring a vote of the homeowners association may be set by the governing body for a vote at the meeting, and a ballot may be delivered to members with notice of the meeting.

(ii) Only those lot owners present during the telephone conference, video conference, or similar electronic meeting shall be authorized to vote a ballot in accordance with this subsection.

(iii) Lot owners who are not present at the meeting may:

1. Vote by proxy in accordance with the requirements of the governing documents and by this title; and
2. Be considered present for quorum purposes through their proxy.

(2)(i) The governing body may set a reasonable deadline for return of a ballot to the homeowners association, including return by electronic transmission.

(ii) The deadline for return of the ballot shall be not later than 24 hours after the conclusion of the meeting.

Nominations from floor at meeting not required

(d) Notwithstanding language contained in the governing documents of the homeowners association, nominations from the floor at the meeting are not required if at least one candidate has been nominated to fill each open position in the governing body,

Validity of meeting

(e) The inability of a lot owner to join a meeting due to technical difficulties with the lot owner's telephone, computer, or other electronic device does not invalidate the meeting or any action taken at the meeting.